

# HOUSE . . . . . No. 5711

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## The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 2, 1971.

The committee on Education, to whom were referred the petition (accompanied by bill, Senate, No. 433) of Irving Fishman for legislation to prohibit sex discrimination in educational institutions; and the petition (accompanied by bill, House, No. 1500) of Michael J. Daly, Ann C. Gannett, David S. Liederman, Peter L. Masnik and Robert S. Creedon, Jr., for legislation to prohibit discrimination on account of sex in educational institutions, report recommending that the accompanying bill (House, No. 5711) ought to pass.

For the committee,

MICHAEL J. DALY

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-One.

**AN ACT TO PROHIBIT SEX DISCRIMINATION IN EDUCATIONAL  
INSTITUTIONS.**

*Be it enacted by the Senate and House of Representatives in  
General Court assembled, and by the authority of the same, as  
follows:*

1 Chapter 151C of the General Laws as most recently amended  
2 by sections 1 through 17 of chapter 334 of the acts of 1956 is  
3 hereby further amended by striking out section 2 of chapter  
4 151C and inserting in place thereof the following section: –

5 *Section 2.* It shall be an unlawful educational practice for an  
6 educational institution –

7 (a) To exclude or limit or otherwise discriminate against any  
8 person because of race, color, religious creed, or national origin;  
9 or to exclude or limit or otherwise discriminate against any  
10 person because of sex; provided, however, that nothing herein  
11 contained shall prevent any private institution from restricting its  
12 facilities from students of one sex provided that such restriction  
13 is expressly set forth in the institution's articles of organization,  
14 by-laws, agreements of association or other organizational decla-  
15 ration, instrument, or charter; provided further that any private  
16 educational institution, presently restricted to students of only  
17 one sex as set forth above, may institute an experimental  
18 co-educational program.

19 (b) To penalize any of its employees or students or any  
20 applicant for admission because he or she has testified, partic-  
21 ipated or assisted in any proceeding under this section.

22 (c) To cause to be made any written or oral inquiry  
23 concerning the race, religion, color, sex or national origin of a  
24 person seeking admission, except that a religious or denomina-  
25 tional educational institution which certified to the commission  
26 that it is a religious or denominational educational institution  
27 may inquire as to the religious or denominational affiliation of  
28 applicants for admission; provided, however, that this provision  
29 shall not apply to any educational institution which is directed

30 by the commission to maintain such records, and provided  
31 further that nothing herein contained shall prevent any private  
32 institution restricted to students of only one sex as provided in  
33 subsection (a) of *Section 2* above from making any written or  
34 oral inquiry concerning sex of applicants for admission to said  
35 institution.

36 (d) To guide, counsel, admit, assign or otherwise direct  
37 students to curricula and courses on the basis of race, color,  
38 religious creed, sex, or national origin.

The first part of the report is devoted to a general  
 description of the country and its resources. It  
 is followed by a detailed account of the  
 various industries and occupations of the  
 people. The report concludes with a summary  
 of the principal facts and a list of the  
 names of the persons who were engaged in  
 the survey.

The second part of the report is devoted to a  
 description of the various industries and  
 occupations of the people. It is followed  
 by a detailed account of the various  
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The third part of the report is devoted to a  
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